

## **REMARKS**

This responds to the Examiner's Office Action dated on October 16, 2007.

Claims 1-52 and 56 are amended, claims 53-55 are canceled, and no claims are added; as a result, claims 1-52 and 56 are now pending in this application.

### **Amendments to the Specification**

The Applicants have amended the written specification to put the written into better form for publication after allowance. With some amendments, the full definitions of well-known acronyms have been fully spelled out. In other amendments the specification has been amended to provide support for the claims. However, these amendments merely copy matter that was disclosed in the originally filed claims into the written specification. No new matter has been added.

Support for the sentence added in the amendment to paragraph 0020 can be found in the originally filed claims 8 to 12. Support for the phrase "a Random Access Memory (RAM), a computer database," added in the amendment to paragraph 0020 can be found in the originally filed claims 16 to 17

Support for the first sentence added in the amendment to paragraph 0025 can be found in the originally filed claims 20 to 21 and 34 to 35. Support for the second sentence added in the amendment to paragraph 0025 can be found in the originally filed claims 5 to 7 and 23 to 27.

### **§103 Rejection of the Claims**

Claims 1 to 56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,011,895 granted to Kalluri, et al. (hereinafter referred to as the Kalluri reference) in view of U.S. Patent No. 6,005,565 issued to Boylan III, et al. (hereinafter referred to as the Boylan reference). The Applicants have amended the claims to better highlight the novel features of the present invention.

Before directly addressing the Examiner's rejections a brief review of the present invention is desirable. The present invention discloses a system and method for local meta data insertion into a received signal that already contains meta data. Referring to **Figure 2** of the present application, an incoming signal **110** is decoded by a stripper that strips out meta data **133** and gives that meta data to a processor **134**. The meta data **133** may contain a substitution determination parameter that can be evaluated to determine if the meta data can be replaced. The processor **134** evaluates the substitution determination parameter with respect to a local state to determine if some of the meta data from the received signal should be replaced. Three examples of substitution determination parameters and the related local state are presented in paragraphs 0029 to 0032 of the written specification. When the evaluation determines that some of the meta data from the received signal should be replaced, then a subset of meta data is replaced with local meta data.

In the system disclosed in the primary reference cited by the Examiner, the Kalluri reference, 'triggers' are generated by a trigger generator **14** and encoded into a television signal by a trigger insertion unit **14**. (Col. 5, lines 18 to 21.) That signal with triggers is then received by a broadcast station **50** that decodes the triggers using a trigger extraction unit **56**. (Col. 5, lines 43 to 47.) The extracted triggers are provided to an interactive program source **58** to control the loading or playing of the interactive program associated with the trigger. (Col 5, lines 47 to 49.) When an interactive program is output from interactive program source **58** in accordance with the trigger, that interactive program is provided to AVI transmission unit **68**. (Col. 5, lines 53 to 57.) AVI transmission unit **68** then combines the interactive program and compressed components of the television signal to form an AVI signal to be broadcast to end users. (Col. 5, lines 57 to 62.)

The system of the Kalluri reference differs significantly from the presently claimed invention in at least three different manners. Firstly, the system of the present invention is designed for replacing meta data encoded within an originally broadcast signal with local meta. The system of the Kalluri reference does not perform replacement of meta data. Instead, the system of Kalluri reference uses the triggers within the original signal as indicators where to add new additional data to the signal. Second, the system of the present invention includes a substitution determination parameter that is encoded within the original signal that is evaluated

in order to determine if meta data from the original signal should be replaced local meta. In the system of the Kalluri reference, there is no such substitution determination parameter that is evaluated to determine whether the original meta data should be replaced or not. The system of the Kalluri reference merely contains triggers that dictate when new material will be added. Finally, the system of the present invention encodes the local meta data into the original video signal without affecting the original video signal. In the system of the Kalluri reference, the 'interactive program' data is combined with a compressed version of the original video signal. (Col. 5, lines 57 to 62.) Presumably, the original video data had to be compressed in order to make room for the added interactive program data.

In the Final Office Action dated October 16, 2007, the Examiner cited the Kalluri reference as teaching something similar to the evaluation of a substitution determination parameter as claimed in the current independent claims. Specifically, The Examiner said that "Kalluri teaches an evaluator (interactive program source **58** – **Figure 1**) for comparing the extracted meta data parameters to one or more predetermined local meta data parameter values (Col. 6, lines 54 to 59, Col. 8, lines 1 to 4 and 24 to 28.) Lines 54 to 59 of column 6 state:

A "unit address" field **210** is provided to direct a trigger to a particular interactive program source of a receiving broadcast station. It is noted that in implementations wherein only a single interactive program source **58** is employed by broadcast station **50**, the unit address does not change.

This section of text merely indicates that the "unit address" selects a particular interactive program source. There is no substitution determination parameter that is evaluated nor any evaluation performed that determines whether a replacement of meta data will occur or not.

Lines to 4 and 24 to 28 of column 8 state:

The extracted trigger and remaining television signal are then separately routed to interactive program source **58** and AVI generation unit **60**, respectively.

...

When interactive program source **58** receives an original trigger (as identified by the "original or repeat" field **206**), interactive program source **58** performs an operation in accordance with the command code and, if present, the time code or file handle of the trigger. For example, interactive program source **58** may receive a command **230** to queue (load) and play an interactive program specified by a specific file handle, in response to which interactive program source **58** loads the specified program from mass storage into a local memory (i.e., DRAM). Interactive program source **58** then plays the file corresponding to the file handle

at the time specified by the time code. When interactive program source 58 plays a file, it outputs the specified interactive program in a bit stream to data input unit 66.

Again, the system reacts strictly according to the terms of the trigger. There is no substitution determination parameter that is evaluated nor any evaluation performed that determines whether a replacement of meta data will occur or not.

The Examiner may contend that by decoding the trigger and reacting accordingly, the system of the Kalluri reference is “evaluating” (decoding) “a substitution determination parameter”(the trigger/command). However, such a comparison is misplaced since the claims require evaluating the substitution determination parameter with respect to a local state. As set forth earlier, paragraphs 0029 to 0032 of the written specification disclose three different examples of substitution determination parameters that may be encoded in the broadcast signal and the corresponding local state that is used when evaluating the substitution determination parameter. Simply decoding a command and performing the requirements of that command is not the same as evaluating a substitution determination parameter with respect to a local state.

Since the system of the Kalluri reference does not teach or suggest replacing existing meta data with local meta data, performing an evaluation on a substitution determination parameter with respect to a local state to determine whether such a meta data replacement should take place, or encoding the local meta data into the same original video signal (not a compressed version) as claimed by the amended independent claims, the Kalluri reference does not anticipate nor render the present invention obvious. Similarly, the dependent claims that include all three of those limitations in the independent claims are likewise allowable.

### **Reservation of Rights**

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not

admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

PRELIMINARY AMENDMENT

Serial Number: 09/818,052

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Title: SYSTEM AND METHOD FOR LOCAL META DATA INSERTION

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Dkt: 2050.066US1

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney 408-278-4041 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.

P.O. Box 2938

Minneapolis, MN 55402

408-278-4041

2/19/2008

Date \_\_\_\_\_

By \_\_\_\_\_

Dag Johansen

Reg. No. 36,172

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 19 day of February 2008.

LISA POSORSKE

Name

Lisa Posorske

Signature